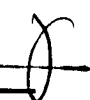


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



17 OCT 18 09:11

S E N A T E

RECEIVED BY: 

COMMITTEE REPORT NO. - 4

Submitted jointly by the Committees on Public Order and Dangerous
Drugs and National Defense and Security on OCT 18 2016

Re: Senate Bill No. 1210

Recommending its approval in substitution of S. Nos. 21, 48, 871, and 950

Sponsor: Senator Lacson

MR. PRESIDENT:

The Committees on Public Order and Dangerous Drugs and National
Defense and Security to which were referred S. No. 21, introduced by
Senator Gregorio Honasan II, entitled:

**"AN ACT
AUTHORIZING THE WIRETAPPING, INTERCEPTION,
SURVEILLANCE AND RECORDING OF COMMUNICATIONS OF
PUSHERS, MANUFACTURERS, CULTIVATORS, IMPORTERS AND
FINANCIERS OF DANGEROUS DRUGS, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 9165, AND FOR OTHER PURPOSES"**

S.No. 48, introduced by Senator Panfilo Lacson, entitled:

**"AN ACT
AMENDING SECTION 3 OF REPUBLIC ACT 4200, OTHERWISE
KNOWN AS AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING
AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF
COMMUNICATION, AND FOR OTHER PURPOSES"**

S.No. 871, introduced by Senator Grace Poe, entitled:

**"AN ACT
AMENDING R.A. NO. 4200, OTHERWISE KNOWN AS AN ACT TO
PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER RELATED
VIOLATIONS OF THE PRIVACY OF COMMUNICATION, AND FOR
OTHER PURPOSES."**

And S.No. 950, introduced by Senator Sonny Angara, entitled:

**"AN ACT
AUTHORIZING WIRE TAPPING IN CASES INVOLVING
VIOLATIONS OF R.A. NO. 9165, OTHERWISE KNOWN AS THE
'COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002',
AMENDING FOR THE PURPOSE SECTION 3 OF R.A. NO. 4200,
ENTITLED 'AN ACT TO PROHIBIT AND PENALIZE WIRE TAPPING
AND OTHER RELATED VIOLATIONS OF THE PRIVACY OF
COMMUNICATION, AND FOR OTHER PURPOSES'"**

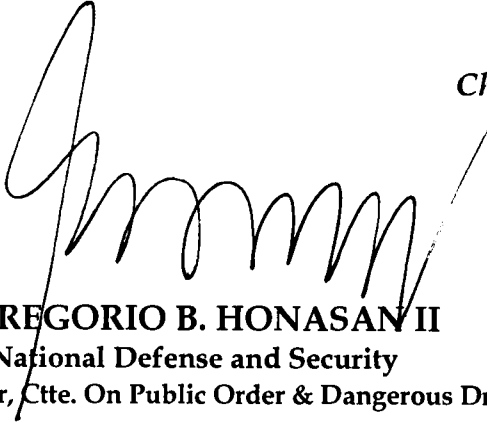
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached Senate Bill No. 1210 _____, prepared by the Committees, entitled:

**"AN ACT
EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC ACT 4200,
OTHERWISE KNOWN AS AN ACT TO PROHIBIT AND PENALIZE
WIRE TAPPING AND OTHER RELATED VIOLATIONS OF THE
PRIVACY OF COMMUNICATION, AND FOR OTHER PURPOSES"**

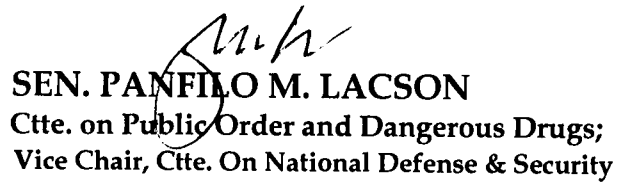
be approved in substitution of S. Nos. 21, 48, 871 and 950 with Senators Honasan, Lacson, Poe *and* Angara as authors thereof.

Respectfully Submitted:

Chairmen:

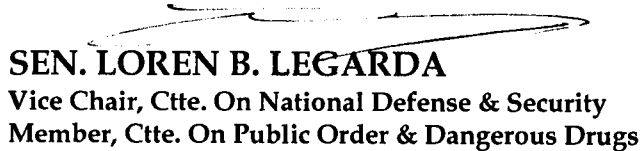


SEN. GREGORIO B. HONASAN II
Ctte. on National Defense and Security
Vice Chair, Ctte. On Public Order & Dangerous Drugs

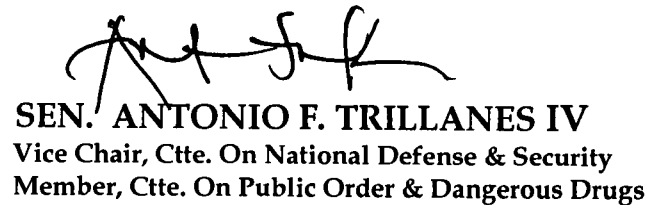


SEN. PANFILO M. LACSON
Ctte. on Public Order and Dangerous Drugs;
Vice Chair, Ctte. On National Defense & Security

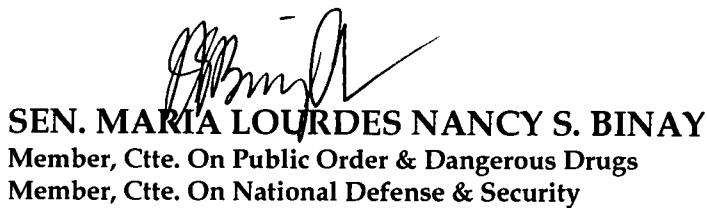
Members:



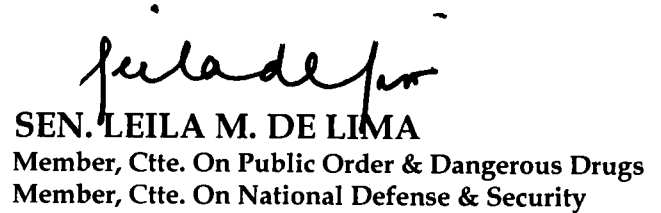
SEN. LOREN B. LEGARDA
Vice Chair, Ctte. On National Defense & Security
Member, Ctte. On Public Order & Dangerous Drugs



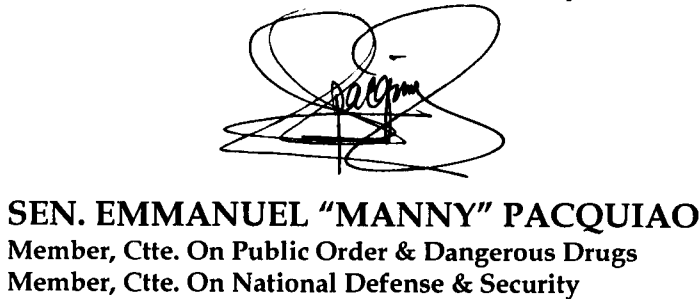
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Member, Ctte. On Public Order & Dangerous Drugs



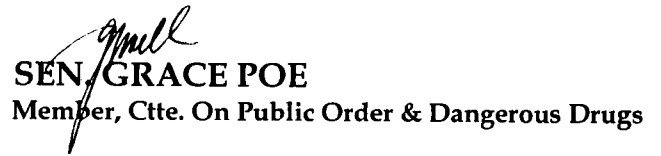
SEN. MARIA LOURDES NANCY S. BINAY
Member, Ctte. On Public Order & Dangerous Drugs
Member, Ctte. On National Defense & Security



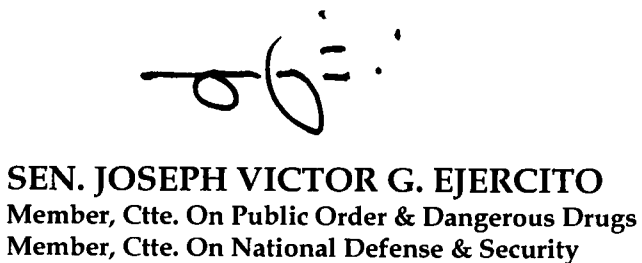
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Member, Ctte. On Public Order & Dangerous Drugs
Member, Ctte. On National Defense & Security



SEN. EMMANUEL "MANNY" PACQUIAO
Member, Ctte. On Public Order & Dangerous Drugs
Member, Ctte. On National Defense & Security



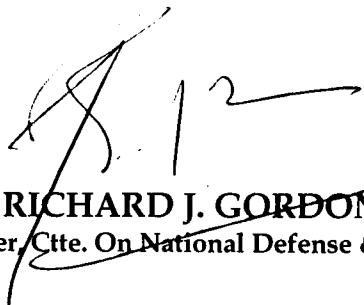
SEN. GRACE POE
Member, Ctte. On Public Order & Dangerous Drugs



SEN. JOSEPH VICTOR G. EJERCITO
Member, Ctte. On Public Order & Dangerous Drugs
Member, Ctte. On National Defense & Security

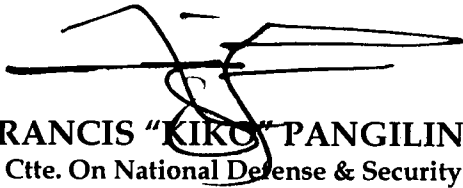


SEN. RISA HONTIVEROS
Member, Ctte. On National Defense & Security

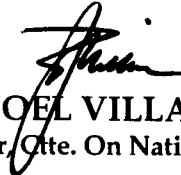


SEN. RICHARD J. GORDON
Member, Ctte. On National Defense & Security

SEN. WIN GATCHALIAN
Member, Ctte. On National Defense & Security




SEN. FRANCIS "KIKO" PANGILINAN
Member, Ctte. On National Defense & Security




SEN. JOEL VILLANUEVA
Member, Ctte. On National Defense & Security

SEN. ALAN PETER S. CAYETANO
Member, Ctte. On National Defense & Security




SEN. CYNTHIA VILLAR
Member, Ctte. On National Defense & Security



SEN. PAOLO BENIGNO AQUINO IV
Member, Ctte. On National Defense & Security

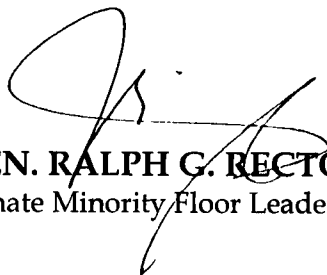
SEN. SONNY ANGARA
Member, Ctte. On National Defense & Security



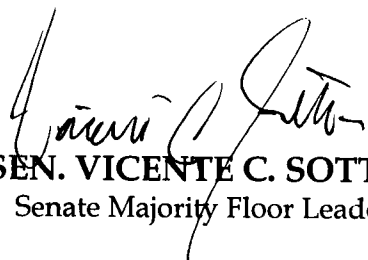
SEN. JUAN MIGUEL F. ZUBIRI
Member, Ctte. On National Defense & Security

SEN. FRANCIS G. ESCUDERO
Member, Ctte. On National Defense & Security

Ex-Officio Members:



SEN. RALPH G. RECTO
Senate Minority Floor Leader



SEN. VICENTE C. SOTTO III
Senate Majority Floor Leader

SEN. FRANKLIN M. DRILON
Senate President-Pro Tempore

HON. AQUILINO "KOKO" PIMENTEL III
Senate President
Senate of the Philippines
Pasay City

SENATE
Senate Bill No. 1210

RECEIVED BY: 

Prepared Jointly by the Committees on Public Order & Dangerous Drugs
and National Defense & Security, with Senators Honasan, Lacson, Poe and
Angara, as Authors thereof.

**AN ACT
EXPANDING THE SCOPE AND COVERAGE OF REPUBLIC
ACT NO. 4200, OTHERWISE KNOWN AS AN ACT TO
PROHIBIT AND PENALIZE WIRE TAPPING AND OTHER
RELATED VIOLATIONS OF THE PRIVACY OF
COMMUNICATION, AND FOR OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives in Congress
assembled:*

1 **SECTION 1.** *Short Title.* This Act shall be known as the
2 “Expanded Anti-Wire Tapping Act of 2016.”

3 **SECTION 2.** Section 1 of Republic Act No. 4200, otherwise
4 known as the Anti-Wire Tapping Law is hereby amended to read as
5 follows:

6 “SECTION 1. It shall be unlawful for any person **TO SECRETLY**
7 **WIRETAP, INTERCEPT, OVERHEAR AND LISTEN TO,**
8 **SCREEN, READ, SURVEIL, RECORD OR COLLECT, WITH**
9 **THE USE OF ANY MODE, FORM, KIND OR TYPE OF**
10 **ELECTRONIC, MECHANICAL OR OTHER EQUIPMENT**
11 **OR DEVICE OR TECHNOLOGY NOW KNOWN OR MAY**
12 **HEREAFTER BE KNOWN TO SCIENCE OR WITH THE**
13 **USE OF OTHER SUITABLE WAYS, ARRANGEMENTS OR**
14 **MEANS FOR THE ABOVE PURPOSES, PRIVATE**
15 **COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,**
16 **DATA, INFORMATION, MESSAGES IN WHATEVER**
17 **FORM, KIND OR NATURE, SPOKEN OR WRITTEN**

1 **WORDS OF ANY PERSON OR PERSONS, WITHOUT ANY**
2 **AUTHORIZATION FROM ALL THE PARTIES**
3 **CONCERNED.** [, not being authorized by all the parties to any
4 private communication or spoken word, to tap any wire or cable, or
5 by using any other device or arrangement, to secretly overhear,
6 intercept, or record such communication or spoken word by using a
7 device commonly known as a dictaphone or dictagraph or dictaphone
8 or walkie-talkie or tape recorder, or however otherwise described:]

9 It shall also be unlawful for any person, he be a participant or
10 not in the act or acts penalized in the next preceding sentence, to
11 knowingly possess any tape record, wire record, disc record, or any
12 other **MODE, FORM , TYPE AND KIND OF** such record, or
13 copies thereof, of any **PRIVATE** communication,
14 **CONVERSATION, DISCUSSION, DATA, INFORMATION,**
15 **MESSAGE IN WHATEVER FORM, KIND OR NATURE,**
16 **WRITTEN** or spoken word [secured either before or after the
17 effective date of this Act in the manner prohibited by this law]; or to
18 replay the same for any other person or persons; or to communicate
19 the contents thereof, either verbally or in writing, or to furnish
20 transcriptions thereof, whether complete or partial, to any other
21 person: *Provided*, That the use of such record or any copies thereof
22 as evidence in any civil, criminal investigation or trial of offenses
23 mentioned in section 3 hereof, shall not be covered by this
24 prohibition”.

25 **SECTION 3.** Republic Act No. 4200 is also hereby amended by
26 inserting Section 1-A, as follows:

27 **“SECTION 1-A. THE SALE OR IMPORTATION BY**
28 **MANUFACTURERS, DISTRIBUTORS OR ANY PERSON OF**
29 **ANY MODE, FORM, KIND OR TYPE OF ELECTRONIC,**
30 **MECHANICAL OR OTHER EQUIPMENT OR DEVICE OR**
31 **TECHNOLOGY NOW KNOWN OR MAY HEREAFTER BE**
32 **KNOWN TO SCIENCE KNOWING OR HAVING REASON**
33 **TO KNOW THAT THE DESIGN OF SUCH ELECTRONIC,**

1 MECHANICAL, OR OTHER EQUIPMENT OR DEVICE OR
2 TECHNOLOGY IS PRIMARILY INTENDED AND USEFUL
3 FOR THE PURPOSES STATED IN SECTION 1 OF THIS
4 ACT SHALL BE ALLOWED ONLY UPON WRITTEN
5 PERMIT OR AUTHORITY FROM THE DEPARTMENT OF
6 INFORMATION AND COMMUNICATIONS TECHNOLOGY
7 (DICT); PROVIDED, THAT, SUCH REQUIREMENT SHALL
8 NOT BE APPLICABLE TO PROCUREMENT UNDER THIS
9 ACT BY THE PHILIPPINE NATIONAL POLICE (PNP),
10 THE PHILIPPINE DRUG ENFORCEMENT AGENCY
11 (PDEA), THE NATIONAL BUREAU OF INVESTIGATION
12 (NBI) AND THE ARMED FORCES OF THE PHILIPPINES
13 (AFP). PROVIDED, FURTHER, THAT, THE SAID
14 AGENCIES MAY PROCURE THE EQUIPMENT ABOVE-
15 MENTIONED EITHER THRU LIMITED SOURCE BIDDING
16 OR DIRECT CONTRACTING AS PROVIDED UNDER
17 REPUBLIC ACT NO. 9184.”

18 SECTION 4. Section 2 thereof shall be deleted and a new Section 2 shall
19 be inserted and which shall read as follows:

20 "SECTION 2. *PROHIBITED ACTS.* -

21 (A) ANY PERSON WHO WILFULLY OR KNOWINGLY
22 DOES OR CAUSES TO BE DONE OR WHO SHALL AID,
23 ABET OR PERMIT, ANY OF THE ACTS DECLARED TO BE
24 UNLAWFUL IN SECTION 1 HEREOF SHALL, UPON
25 CONVICTION, SUFFER THE PENALTY OF
26 IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS BUT
27 NOT MORE THAN TWELVE YEARS (12) AND A FINE OF
28 NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
29 EXCEEDING FIVE (5) MILLION PESOS WITH THE
30 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
31 DISQUALIFICATION FROM PUBLIC OFFICE IF THE
32 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
33 THE COMMISSION OF THE OFFENSE. IF THE

1 OFFENDER IS AN ALIEN, HE SHALL BE SUBJECT TO
2 DEPORTATION PROCEEDINGS AFTER THE SERVICE OF
3 HIS/HER SENTENCE.

4 (B) ANY PERSON WHO MANUFACTURES,
5 ASSEMBLES, SELLS, IMPORTS, DISTRIBUTES, OR
6 OTHERWISE DISPOSES ANY MODE, FORM, KIND
7 OR TYPE OF ELECTRONIC, MECHANICAL OR
8 OTHER EQUIPMENT OR DEVICE OR
9 TECHNOLOGY NOW KNOWN OR MAY HEREAFTER
10 BE KNOWN TO SCIENCE KNOWING OR HAVING
11 REASON TO KNOW THAT THE DESIGN OF SUCH
12 ELECTRONIC, MECHANICAL, OR OTHER
13 EQUIPMENT, DEVICE OR TECHNOLOGY IS
14 PRIMARILY INTENDED AND USEFUL FOR THE
15 PURPOSES STATED IN SECTION 1 OF THIS ACT
16 WITHOUT FIRST SECURING THE NECESSARY
17 AUTHORITY OR PERMIT SHALL, UPON
18 CONVICTION, SUFFER THE PENALTY OF
19 IMPRISONMENT OF NOT LESS THAN THREE (3)
20 YEARS BUT NOT MORE THAN SIX (6) YEARS AND
21 A FINE OF NOT LESS THAN FIVE HUNDRED
22 THOUSAND PESOS BUT NOT EXCEEDING TWO (2)
23 MILLION PESOS WITH THE ACCESSORY
24 PENALTY OF PERPETUAL ABSOLUTE
25 DISQUALIFICATION FROM PUBLIC OFFICE IF
26 THE OFFENDER BE A PUBLIC OFFICIAL AT THE
27 TIME OF THE COMMISSION OF THE OFFENSE. IF
28 THE OFFENDER IS AN ALIEN, HE SHALL BE
29 SUBJECT TO DEPORTATION PROCEEDINGS
30 AFTER THE SERVICE OF HIS/HER SENTENCE.

31 IN ADDITION TO THE PENALTY IMPOSED
32 HEREIN, THE EQUIPMENT, DEVICE OR
33 TECHNOLOGY TAKEN SHALL BE

1 **AUTOMATICALLY FORFEITED IN FAVOR OF THE**
2 **GOVERNMENT.**

3 **(C) ANY PERSON WHO, HAVING KNOWLEDGE OR**
4 **REASON TO KNOW THAT THE DESIGN OF SUCH**
5 **ELECTRONIC, MECHANICAL, OR OTHER EQUIPMENT,**
6 **DEVICE OR TECHNOLOGY IS PRIMARILY INTENDED**
7 **AND USEFUL FOR THE PURPOSES STATED IN SECTION 1**
8 **OF THIS ACT, OWNS OR POSSESSES WITHOUT ANY**
9 **AUTHORITY ANY OF THE ABOVEMENTIONED**
10 **EQUIPMENT, DEVICE OR TECHNOLOGY, UPON**
11 **CONVICTION SHALL ALSO SUFFER THE PENALTY AS**
12 **PROVIDED UNDER SECTION 2(B).**

13 **SECTION 5.** Section 3 of Republic Act No. 4200 is also hereby
14 amended to read as follows:

15 "SEC. 3. Nothing contained in this Act, however, shall
16 render it unlawful or punishable for any [peace] **LAW**
17 **ENFORCEMENT OR MILITARY** officer, who is
18 authorized by a written order of the Court, to execute any
19 of the **APPLICABLE** acts declared to be unlawful in the
20 two preceding sections in cases involving the crimes of
21 treason, espionage, provoking war and disloyalty in case
22 of war, piracy, mutiny in the high seas, rebellion,
23 conspiracy and proposal to commit rebellion, inciting to
24 rebellion, **COUP D'ETAT, CONSPIRACY AND**
25 **PROPOSAL TO COMMIT COUP D'ETAT,** sedition,
26 conspiracy to commit sedition, inciting to sedition,
27 kidnapping as defined by the Revised Penal Code,
28 **ROBBERY IN BAND AS DEFINED AND PENALIZED**
29 **BY ARTICLES 294, 295, 296, 299 AND 302 OF THE**
30 **REVISED PENAL CODE, BRIGANDAGE/HIGHWAY**
31 **ROBBERY AS DEFINED AND PENALIZED BY**
32 **ARTICLE 306 OF THE REVISED PENAL CODE AND**
33 **PD NO. 532, OTHERWISE KNOWN AS THE ANTI-**

1 **PIRACY AND ANTI-HIGHWAY ROBBERY LAW OF**
2 **1974, VIOLATIONS OF REPUBLIC ACT NO. 9165,**
3 **OTHERWISE KNOWN AS THE COMPREHENSIVE**
4 **DANGEROUS DRUGS ACT OF 2002, VIOLATIONS**
5 **OF REPUBLIC ACT NO. 9160 AS AMENDED,**
6 **OTHERWISE KNOWN AS THE ANTI-MONEY**
7 **LAUNDERING ACT OF 2001** and violations of the
8 Commonwealth Act No. 616, punishing espionage and
9 other offenses against national security: [*Provided,*
10 *however,* That in cases involving the offenses of
11 rebellion, conspiracy and proposal to commit rebellion,
12 inciting to rebellion, sedition, conspiracy to commit
13 sedition, and inciting to sedition, such authority shall be
14 granted only upon prior proof that a rebellion or acts of
15 sedition, as the case may be, have actually been or are
16 being committed; (2) that there are reasonable grounds to
17 believe that evidence will be obtained essential to the
18 conviction of any person for, or to the solution of, or to
19 the prevention of, any of such crimes; and (3) that there
20 are no other means readily available for obtaining such
21 evidence.]

22 [The order granted or issued shall specify: (1) the identity
23 of the person or persons whose communications,
24 conversations, discussions, or spoken words are to be
25 overheard, intercepted, or recorded and, in the case of
26 telegraphic or telephonic communications, the telegraph
27 line or the telephone number involved and its location;
28 (2) the identity of the peace officer authorized to
29 overhear, intercept, or record the communications,
30 conversations, discussions, or spoken words; (3) the
31 offense or offenses committed or sought to be prevented;
32 and (4) the period of the authorization. The authorization
33 shall be effective for the period specified in the order
34 which shall not exceed sixty (60) days from the date of

1 issuance of the order, unless extended or renewed by the
2 court upon being satisfied that such extension or renewal
3 is in the public interest.]

4 [All recordings made under court authorization shall,
5 within forty-eight hours after the expiration of the period
6 fixed in the order, be deposited with the court in a sealed
7 envelope or sealed package, and shall be accompanied by
8 an affidavit of the peace officer granted such authority
9 stating the number of recordings made, the dates and
10 times covered by each recording, the number of tapes,
11 discs, or records included in the deposit, and certifying
12 that no duplicates or copies of the whole or any part
13 thereof have been made, or if made, that all such
14 duplicates or copies are included in the envelope or
15 package deposited with the court. The envelope or
16 package so deposited shall not be opened, or the
17 recordings replayed, or used in evidence, or their
18 contents revealed, except upon order of the court, which
19 shall not be granted except upon motion, with due notice
20 and opportunity to be heard to the person or persons
21 whose conversation or communications have been
22 recorded.]

23 [The court referred to in this section shall be understood
24 to mean the Court of First Instance within whose
25 territorial jurisdiction the acts for which authority is
26 applied for are to be executed.]”

27 **SECTION 6.** Republic Act No. 4200 is also hereby amended by inserting
28 Sections 3-A to 3-H, as follows:

29 **"SEC. 3-A. WIRETAPPING, INTERCEPTION,**
30 **SURVEILLANCE AND RECORDING OF**
31 **COMMUNICATIONS. – THE CHIEF OF THE PNP, THE**
32 **PDEA DIRECTOR GENERAL, THE NBI DIRECTOR OR**

1 THE CHIEF OF STAFF OF THE AFP OR THEIR DULY
2 AUTHORIZED REPRESENTATIVES MAY SUBMIT EX
3 PARTE APPLICATIONS FOR THE ISSUANCE OF
4 WRITTEN ORDERS FROM THE REGIONAL TRIAL
5 COURT, TO SECRETLY WIRETAP, INTERCEPT,
6 OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,
7 RECORD AND COLLECT, WITH THE USE OF ANY MODE,
8 FORM, KIND OR TYPE OF ELECTRONIC, MECHANICAL
9 OR OTHER EQUIPMENT OR DEVICE OR TECHNOLOGY
10 NOW KNOWN OR MAY HEREAFTER BE KNOWN TO
11 SCIENCE OR WITH THE USE OF ANY OTHER SUITABLE
12 WAYS, ARRANGEMENTS OR MEANS FOR THE ABOVE
13 PURPOSES, PRIVATE COMMUNICATIONS,
14 CONVERSATIONS, DISCUSSION/S, DATA,
15 INFORMATION, MESSAGES IN WHATEVER FORM, KIND
16 OR NATURE, SPOKEN OR WRITTEN WORDS UPON
17 WRITTEN APPLICATION AND THE EXAMINATION
18 UNDER OATH OR AFFIRMATION OF THE APPLICANT
19 AND THE WITNESSES HE MAY PRODUCE AND A
20 SHOWING: (1) THAT THERE ARE REASONABLE
21 GROUNDS TO BELIEVE THAT ANY OF THE CRIMES
22 ENUMERATED IN SECTION 3 HAS BEEN COMMITTED
23 OR IS BEING COMMITTED OR IS ABOUT TO BE
24 COMMITTED; (2) THAT THERE ARE REASONABLE
25 GROUNDS TO BELIEVE THAT THE EVIDENCE THAT
26 WILL BE OBTAINED IS ESSENTIAL TO THE
27 CONVICTION OF ANY PERSON FOR, OR TO THE
28 SOLUTION OF, OR TO THE PREVENTION OF, ANY OF
29 SUCH CRIMES; AND (3) THAT THERE ARE NO OTHER
30 EFFECTIVE MEANS READILY AVAILABLE FOR
31 OBTAINING SUCH EVIDENCE.

32 SEC. 3-B. EFFECTIVITY PERIOD OF JUDICIAL
33 AUTHORIZATION. - ANY ORDER GRANTED BY THE
34 REGIONAL TRIAL COURT SHALL ONLY BE EFFECTIVE

1 FOR THE LENGTH OF TIME SPECIFIED IN THE
2 WRITTEN ORDER, WHICH SHALL NOT EXCEED A
3 PERIOD OF SIXTY (60) DAYS FROM THE DATE OF
4 RECEIPT OF THE WRITTEN ORDER OF THE
5 AUTHORIZING COURT BY THE APPLICANT.

6 THE AUTHORIZING COURT MAY, UPON APPLICATION,
7 EXTEND OR RENEW THE SAID AUTHORIZATION FOR
8 ANOTHER NON-EXTENDIBLE PERIOD, WHICH SHALL
9 NOT EXCEED THIRTY (30) DAYS FROM THE
10 EXPIRATION OF THE ORIGINAL PERIOD: *PROVIDED*,
11 THAT THE COURT IS SATISFIED THAT SUCH
12 EXTENSION OR RENEWAL IS IN THE PUBLIC INTEREST.

13 SEC. 3-C. CLASSIFICATION AND CONTENTS OF THE
14 COURT AUTHORIZATION. - THE WRITTEN
15 APPLICATION TOGETHER WITH SUPPORTING
16 DOCUMENTS SUBMITTED AND WRITTEN ORDER
17 GRANTED BY THE AUTHORIZING COURT SHALL BE
18 DEEMED AND ARE HEREBY DECLARED AS CLASSIFIED
19 INFORMATION.

20 THE WRITTEN ORDER OF THE AUTHORIZING COURT
21 SHALL SPECIFY THE FOLLOWING:

22 (A) THE IDENTITY, SUCH AS NAME AND ADDRESS,
23 IF KNOWN, OF THE PERSON WHOSE PRIVATE
24 COMMUNICATIONS, CONVERSATIONS, DISCUSSION/S,
25 DATA, INFORMATION, MESSAGES IN WHATEVER
26 FORM, KIND OR NATURE, SPOKEN OR WRITTEN
27 WORDS AND/OR THE TELEPHONE NUMBERS, IF
28 KNOWN THAT ARE TO BE SECRETLY WIRETAPPED,
29 INTERCEPTED, OVERHEARD AND LISTENED TO,
30 SCREENED, READ, SURVEILLED, RECORDED AND
31 COLLECTED AND THEIR LOCATIONS;

1 **(B) THE IDENTITY OF THE APPLICANT**
2 **AUTHORIZED TO SECRETLY WIRETAP, INTERCEPT,**
3 **OVERHEAR AND LISTEN TO, SCREEN, READ, SURVEIL,**
4 **RECORD AND COLLECT PRIVATE COMMUNICATIONS,**
5 **CONVERSATIONS, DISCUSSION/S, DATA,**
6 **INFORMATION, MESSAGES IN WHATEVER FORM, KIND**
7 **OR NATURE, SPOKEN OR WRITTEN WORDS;**

8 **(C) THE CRIME OR CRIMES COMMITTED, OR IS**
9 **BEING COMMITTED, OR SOUGHT TO BE PREVENTED;**

10 **(D) THE LENGTH OF TIME WITHIN WHICH THE**
11 **AUTHORIZATION SHALL BE USED OR CARRIED OUT.**

12 **(E) WHEN APPROPRIATE, THE SPECIFIC**
13 **ASSISTANCE OR COOPERATION NEEDED FROM THE**
14 **TELECOMMUNICATIONS OR INTERNET SERVICE**
15 **PROVIDER.**

16 **IN NO CASE SHALL THE IDENTITY OF THE**
17 **AUTHORIZED APPLICANT BE DISCLOSED EXEPT UPON**
18 **WRITTEN ORDER OF THE AUTHORIZING COURT**
19 **AFTER A DETERMINATION THAT THE PUBLIC**
20 **INTEREST IN THE DISCLOSURE OF THE INFORMATION**
21 **OUTWEIGHS THE PUBLIC INTEREST IN KEEPING THE**
22 **INFORMATION SECRET OR CONFIDENTIAL.**

23 **SEC. 3-D. CUSTODY OF INTERCEPTED AND RECORDED**
24 **COMMUNICATIONS. - ALL TAPES, DISCS, OTHER**
25 **STORAGE DEVICES, RECORDINGS, NOTES,**
26 **MEMORANDA, SUMMARIES, EXCERPTS AND ALL**
27 **COPIES THEREOF MADE PURSUANT TO THE ORDER OF**
28 **THE AUTHORIZING COURT, SHALL, WITHIN FORTY-**
29 **EIGHT (48) HOURS AFTER THE EXPIRATION OF THE**
30 **PERIOD FIXED IN THE WRITTEN ORDER OR WITHIN**
31 **FORTY-EIGHT (48) HOURS AFTER THE EXPIRATION OF**

1 ANY EXTENSION OR RENEWAL GRANTED, BE
2 DEPOSITED WITH THE AUTHORIZING COURT IN A
3 SEALED ENVELOPE OR SEALED PACKAGE, AS THE
4 CASE MAY BE, AND SHALL BE ACCOMPANIED BY AN
5 AFFIDAVIT OF THE AUTHORIZED APPLICANT.

6 ANY PERSON WHO, WITHOUT WRITTEN AUTHORITY
7 FROM THE AUTHORIZING COURT, REMOVES,
8 CONCEALS, DESTROYS, DISCARDS OR REVEALS ANY
9 OF THE ABOVE-MENTIONED TAPE, DISC, OTHER
10 STORAGE DEVICE, RECORDING, NOTE,
11 MEMORANDUM, SUMMARY, OR EXCERPTS AND ANY
12 COPY THEREOF, OR ANY INFORMATION THEREON
13 SHALL, UPON CONVICTION, SUFFER THE PENALTY OF
14 IMPRISONMENT FOR NOT LESS THAN SIX (6) YEARS
15 BUT NOT MORE THAN TWELVE YEARS (12) AND A FINE
16 OF NOT LESS THAN ONE (1) MILLION PESOS BUT NOT
17 EXCEEDING FIVE (5) MILLION PESOS WITH THE
18 ACCESSORY PENALTY OF PERPETUAL ABSOLUTE
19 DISQUALIFICATION FROM PUBLIC OFFICE IF THE
20 OFFENDER BE A PUBLIC OFFICIAL AT THE TIME OF
21 THE COMMISSION OF THE OFFENSE.

22 SEC. 3-E. CONTENTS OF THE AFFIDAVIT. - THE
23 AFFIDAVIT OF THE AUTHORIZED APPLICANT SHALL
24 IDENTIFY THE FOLLOWING: (A) ALL TAPES, DISCS,
25 OTHER STORAGE DEVICES, RECORDINGS, NOTES,
26 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
27 COPIES MADE IN CONNECTION THEREWITH; (B) THE
28 DURATION OF THE JUDICIAL AUTHORIZATION AND
29 THE DATES AND TIMES COVERED BY EACH OF SUCH
30 MATERIALS; AND (C) THE NUMBER OF TAPES, DISCS,
31 OR OTHER STORAGE DEVICES, RECORDINGS, NOTES,
32 MEMORANDA, SUMMARIES, EXCERPTS AND ALL
33 COPIES MADE IN CONNECTION THEREWITH THAT
34 HAVE BEEN INCLUDED IN THE DEPOSIT.

1 THE AFFIDAVIT SHALL ALSO CERTIFY UNDER OATH
2 THAT NO DUPLICATES OR COPIES OF THE WHOLE OR
3 ANY PART OF ANY OF SUCH TAPES, DISCS, OTHER
4 STORAGE DEVICES, RECORDINGS, NOTES,
5 MEMORANDA, SUMMARIES, AND EXCERPTS, HAVE
6 BEEN MADE, OR, IF MADE, THAT ALL SUCH
7 DUPLICATES AND COPIES ARE INCLUDED IN THE
8 SEALED ENVELOPE OR SEALED PACKAGE, AS THE
9 CASE MAY BE, DEPOSITED WITH THE AUTHORIZING
10 COURT.

11 SEC. 3-F. DISPOSITION OF DEPOSITED MATERIAL. - THE
12 SEALED ENVELOPE OR SEALED PACKAGE AND THE
13 CONTENTS THEREOF, WHICH ARE DEPOSITED WITH
14 THE AUTHORIZING COURT, SHALL BE DEEMED AND
15 ARE HEREBY DECLARED CLASSIFIED INFORMATION,
16 AND THE SEALED ENVELOPE OR SEALED PACKAGE
17 SHALL NOT BE OPENED AND ITS CONTENTS SHALL
18 NOT BE DISCLOSED, REVEALED, READ, REPLAYED, OR
19 USED AS EVIDENCE UNLESS AUTHORIZED BY WRITTEN
20 ORDER OF THE AUTHORIZING COURT WHICH SHALL
21 NOT BE GRANTED EXCEPT UPON MOTION, WITH DUE
22 NOTICE AND OPPORTUNITY TO BE HEARD TO THE
23 INDIVIDUAL/S SUBJECT OF THE ABOVE-MENTIONED
24 COURT AUTHORIZATION. PROVIDED, THAT WITHIN
25 NINETY (90) DAYS FROM THE EXPIRATION OF THE
26 ORDER, THE INDIVIDUAL/S WHOSE COMMUNICATIONS
27 HAVE BEEN INTERCEPTED AND/OR RECORDED SHALL
28 BE NOTIFIED OF SUCH FACT, UNLESS DELAY IN
29 NOTIFICATION IS ALLOWED BY A WRITTEN ORDER OF
30 THE AUTHORIZING COURT, UPON A FINDING THAT AN
31 INVESTIGATION IS STILL ONGOING, AND AFTER A
32 DETERMINATION THAT THE PUBLIC INTEREST IN
33 DELAYING NOTIFICATION OUTWEIGHS THE PUBLIC
34 INTEREST IN KEEPING THE INFORMATION SECRET OR

1 **CONFIDENTIAL: PROVIDED FURTHER, THAT DELAY IN**
2 **NOTIFICATION SHALL NOT BE LONGER THAN ONE (1)**
3 **YEAR.**

4 **SEC. 3-G. DESTRUCTION OF DEPOSITED MATERIAL. -**
5 **AFTER THE LAPSE OF FIVE (5) YEARS FROM THE**
6 **EXPIRATION OF THE PERIOD FIXED IN THE WRITTEN**
7 **ORDER, THE AUTHORIZING COURT SHALL ORDER THE**
8 **DESTRUCTION OF THE DEPOSITED MATERIAL UNLESS**
9 **IT IS BEING UTILIZED IN AN ONGOING INVESTIGATION**
10 **OR PROSECUTION, IN WHICH CASE, IT SHALL BE**
11 **DESTROYED TWO (2) YEARS AFTER THE TERMINATION**
12 **OF THE INVESTIGATION OR FINALITY OF THE**
13 **DECISION ON THE CASE.**

14 **SEC. 3-H. COMMUNICATIONS ASSISTANCE FOR LAW**
15 **ENFORCEMENT. - THE AUTHORIZING COURT MAY**
16 **ORDER ANY TELECOMMUNICATIONS OR INTERNET**
17 **SERVICE PROVIDER TO ASSIST AND COOPERATE WITH**
18 **THE LAW ENFORCEMENT OR MILITARY OFFICERS IN**
19 **IMPLEMENTING THE ORDER OF THE AUTHORIZING**
20 **COURT. THE SPECIFIC ASSISTANCE OR COOPERATION**
21 **NEEDED SHALL BE INDICATED IN THE WRITTEN**
22 **ORDER AS STATED IN SECTION 3 (C). THE**
23 **TELECOMMUNICATIONS OR INTERNET SERVICE**
24 **PROVIDER SHALL TAKE MEASURES TO ENSURE THAT**
25 **THE PERSON WHOSE PRIVATE COMMUNICATIONS,**
26 **CONVERSATIONS, DISCUSSION/S, DATA,**
27 **INFORMATION, MESSAGES IN WHATEVER FORM, KIND**
28 **OR NATURE, SPOKEN OR WRITTEN WORDS ARE TO BE**
29 **SECRETLY WIRETAPPED, INTERCEPTED, OVERHEARD**
30 **AND LISTENED TO, SCREENED, READ, SURVEILLED,**
31 **RECORDED AND COLLECTED SHALL NEITHER DETECT**
32 **NOR BE NOTIFIED OF SUCH FACT.**

1 THE RESPONSIBLE PERSON/S OF THE
2 TELECOMMUNICATIONS OR INTERNET SERVICE
3 PROVIDER WHO UNJUSTIFIABLY REFUSE/S TO
4 COMPLY WITH THE ORDER OF THE COURT SHALL BE
5 CITED FOR CONTEMPT AND FINED IN AN AMOUNT NOT
6 LESS THAN ONE (1) MILLION PESOS BUT NOT MORE
7 THAN THREE (3) MILLION PESOS.

8 NO ADMINISTRATIVE, CRIMINAL OR CIVIL
9 PROCEEDINGS SHALL LIE AGAINST THE EMPLOYEES
10 OR OFFICIALS OF THE TELECOMMUNICATIONS OR
11 INTERNET SERVICE PROVIDER FOR HAVING ASSISTED
12 OR COOPERATED WITH THE LAW ENFORCEMENT OR
13 MILITARY OFFICERS IN THE IMPLEMENTATION OF
14 THE WRITTEN ORDER OF THE COURT.”

15 SECTION 7. Section 4 of Republic Act No. 4200 is hereby
16 amended to read as follows:

17 “SEC. 4. Any PRIVATE communicationS, CONVERSATIONS,
18 DISCUSSION/S, DATA, INFORMATION, MESSAGES IN
19 WHATEVER FORM, KIND OR NATURE, or spoken OR
20 WRITTEN wordS, or the existence, contents, substance, purport,
21 effect, or meaning of the same or any part thereof, or any
22 information therein contained obtained or secured by any person in
23 violation of the preceding sections of this Act shall not be admissible
24 in evidence in any judicial, quasi-judicial, legislative or
25 administrative hearing or investigation. PROVIDED, THAT THE
26 USE OF ANY EVIDENCE VALIDLY OBTAINED PURSUANT
27 TO SECTIONS 3-A TO 3-H OF THIS ACT IN RELATION TO
28 ANY OF THE OFFENSES MENTIONED IN SECTION 3 OF
29 THIS ACT SHALL BE ALLOWED. “

30 SECTION 8. *Separability Clause.* If any provision of this Act shall be
31 declared invalid or unconstitutional, the remaining part or provisions not otherwise
32 affected shall remain in force.

1 **SECTION 9. *Repealing Clause.*** Any law, decree, ordinance,
2 administrative circulars not consistent with any provision of this Act is hereby
3 amended, repealed or modified accordingly.

4 **SECTION 10. *Effectivity Clause.*** This Act shall take effect fifteen (15)
5 days after its complete publication in the Official Gazette or in at least two (2)
6 newspapers of general circulation.

7 ***Approved,***